



**City of
Norfolk**

Inter Department Correspondence Sheet

TO: Members of Council

FROM: City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

February 13, 2015

Attached are the minutes from the City Council meeting held on February 10, 2015.

R. Breckenridge Daughtrey

NORFOLK, VIRGINIA

REGULAR SESSION OF COUNCIL

TUESDAY, FEBRUARY 10, 2015

President Fraim called the meeting to order at 5:15 p.m. with the following members present: Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, and Ms. Williams. Ms. Johnson and Mr. Winn were absent.

President Fraim called for a closed Session.

CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause (s) 3 and 7 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act**, as amended:

- (3) Discussion regarding the disposition of publicly held real property in the Northampton Boulevard and Wesleyan Drive area and the acquisition of real property for public purpose in the area of Northampton Boulevard and Wesleyan Drive.
- (7) Consultation with legal counsel regarding two legal matters. Talbot Hall petition and the K-9 dog biting incident.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

BRIEFING BY POLICE CHIEF ON BODY CAMERAS

Chief Michael Goldsmith reported as follows:

- 300 body cameras were deployed on Monday.
- Goal is to have cameras for all officers by 2016.
- Citizens will be notified they are being recorded and may be turned off inside private homes upon request.
- The expected results are a reduction in complaints, better interaction between officers and citizens, a reduction in litigation and provides transparency.
- The department is also working on a professional standards annual report for public distribution.

COUNCIL INTEREST

- In response to Mr. Robinson's comments concerning parolees, Councilman Protogyrou asked Mr. Robinson to give his solutions to the City Manager. In addition, he asked the City Manager to brief Council on what the city's outreach services will be for these citizens.

161 GRANBY STREET

Planning Director, George Homewood reported on this as follows:

- The building is in no danger of collapse.
- Scaffolding has been expected to address immediate exterior safety issues.
- The only building permit to date is for interior demolition; a six month extension was granted in November 2014.
- Permits for interior and exterior renovation and construction are pending.
- Mr. Prioneschi of USA Development was present to answer any questions.

GENERAL ASSEMBLY UPDATE

Mr. Pennington reported that they are at the halfway point of the 2015 session. Norfolk has been working in a larger state-wide coalition to advance several established priorities for the 2015 session.

He reported on various bills as follows:

STATEWIDE FLOODING ISSUES — Several bills have been advanced successfully, including a real estate transaction bill.

HB 1887 OMNIBUS TRANSPORTATION BILL — Norfolk pursued special legislation to give us the authority to apply unused urban allocation funds on the Military Highway intersection project which moved out of the Senate unanimously. This bill, if passed, would provide to Hampton Roads an additional \$7 million for state of good repair and construction district grants. It would also mean approximately \$40 million more for transit funding based on good performance from the previous year.

SCHOOL ISSUES – They are working in larger coalitions to hold the City of Norfolk and public schools harmless from additional cuts and to meaningfully enhance state public education and accreditation. Several bills have been advanced to accomplish those goals as well as amendments introduced by many members within our own delegation.

JOINT LEGISLATIVE AUTO REVIEW COMMITTEE – They had hoped that an update study would be done of transportation funding provisions, but that does not appear successful for this year. However, there have been discussions about a study to look at ways to subsidize the tolls on the Midtown and Downtown Tunnels.

HB 1402 – This bill appears to be advancing. They have asked the Commonwealth to provide some clarification regarding urban street maintenance payments. They want to make sure that there is no misunderstanding as far as trying to allocate portions of these roadways to be used for other purposes other than just motor vehicles.

They have also asked the Commonwealth to consider creating a bicycle and pedestrian construction and maintenance funding source, but it does not appear that will advance this year.

PRESERVING RED LIGHT CAMERA AUTHORITY – It appears that Norfolk will continue to have the authority to operate these cameras for an additional year.

Veterans Workforce integration and homelessness – There is an Omnibus package of veteran-related bills for different types of programs and Norfolk stands to be in good position to take full advantage of those different programs that will be coming online.

REGULATE PLASTIC RETAIL BAGS – Introduced by Senator McWaters, one bill remains in play. It is not known how this will fare in the House. Mr. Pennington encouraged that any citizens interested in this bill should reach out to House Members.

STRIKE FOR CODE OF VIRGINIA ANY REFERENCE TO THE OPPORTUNITY EDUCATION INSTITUTE - SB 821 passed the Senate.

ECONOMIC DEVELOPMENT – Both the House and Senate committees proposed amendments to reverse actions taken by Governor McAuliffe to impose higher fees for weights and measures as well as an increase in food inspection fees. Also, the Governor’s homelessness initiative dealing with rapid re-housing was defeated. Both the House and Senate committees eliminated \$1.2 million that the Governor proposed to support the Virginia Coal Field Economic Development Authority. The House Appropriations Committee supported the Governor’s request for an additional \$20.7 million for the Governor’s Opportunity Development funds. They have been successful with enterprise zones and grant programs and hopefully Norfolk will be able to take full advantage of these funding provisions if they are successful in the final session.

COMPENSATION AND RETIREMENT – The House budget sets up a contingency fund for a 2% salary increase for state-supported local employees and this is effective in August 2015. The Senate budget sets up a contingency for a 3% salary for state-supported local employees on September 1, 2015, which is two months into the fiscal year, and so that is something that is going to have to be worked out.

TEACHER SALARY INCREASE – Both the House and Senate set up contingency funds to pay for a 1.5% salary increase, and it also allowed school divisions the flexibility to determine their own effective date of the salary increase. The Governor proposed making a \$150 million payment on deferred contributions to the teacher retirement plans. If this is to move forward, it will actually lower their teacher retirement contribution rate for FY16.

ELECTIONS AND ADMINISTRATION – Both the House and Senate rejected the Governor’s amendment that would raise \$28 million through a revenue bond sale to pay for optical scan voting equipment. Legislative bills to “cost-push” some of the election expenses on to local governments were defeated. There is one bill still in play that they are watching closely.

HUMAN SERVICES – The Senate included \$77,409 to help the Office of Comprehensive Services comply with the Administrative Processes Act. SB 1054 has passed the Senate and is now on the way to House Appropriations.

MEDICAID EXPANSION – Both the House and the Senate have removed the language in the introduced budget that would expand the Medicaid Program pursuant to the Affordable Care Act. Instead, both bodies provide varying amounts of additional assistance for free clinic and community health centers. The Governor's program remains intact that will help as many as 20,000 individuals with serious mental illness obtain healthcare safety net services. The House also created an alternative proposal that provides psychiatric services to approximately 30,000 individuals and prescription drug benefits for those individuals who might find themselves in psychiatric facilities.

STORMWATER – In response to our request for additional state assistance, only the Senate has approved a \$10 million bond revenue appropriation to assist. They do not see anything more being added to this amount by the House, but they will continue to pursue it as a priority initiative.

DEPUTY SHERIFF SALARY MANDATES – Both the House and the Senate included an additional \$2.5 million in the budgets to increase the jail per-diem rates.

JAIL CONSTRUCTION REIMBURSEMENT – They were unsuccessful in getting additional HB 599 funding. However, the Senate reinserted language from the 2014 budget to clarify that the amount distributed to the locality in both 2015 and 2016 shall be equal to the amount provided in 2014.

PUBLIC SAFETY BILL – This bill relates to conviction in General District Court for violating the local traffic ordinance based on photographic traffic light monitoring systems. If this bill passes, citizens will be able to appeal convictions to the Circuit Court which could create an impact on their dockets.

PROCUREMENT HB 1504 – The House defeated legislation that would have prohibited local governments from receiving any information from price in the procurement of professional services, i.e., legal, accounting, pharmacy, land surveying, engineering et cetera.

REDISTRICTING – Several bills are being considered by both chambers. SB 840 is the one that local governments have been asked to support. Equal population, racial and ethnic fairness, contiguity, compactness and communities of interest are all factors that need to be recognized when considering redistricting the political boundary lines. The bill would also put restrictions on the use of political data and election results in determining what new boundaries should be.

TAXES AND FINANCE – There is a bill that has local and fiscal impact that they will continue to work on and monitor closely.

AID TO LOCALITY REVERSION – The Senate has restored the full \$30 million that was contemplated as a cut. The cut would translate roughly to a reduction of about \$1.4 million to Norfolk if it goes forward.

GENERAL FUND MID-YEAR BUDGET UPDATE

The City Manager reported as follows on this item:

- FY2014 ended with a \$4 million carry forward.
- 2 million was previously allocated and Council agreed to use remaining \$2 million to offset reductions in State aid.
- The FY2016 budget presently has a \$3 million shortfall.

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, FEBRUARY 10, 2015 – 7:00 P.M.

Prayer offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

The following members were present: Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Ms. Williams and Mr. Fraim.

President Fraim moved to excuse Ms. Johnson and Mr. Mr. Winn from today's meeting.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

CEREMONIAL MATTERS

1. President Fraim read a Resolution commending Lake Taylor boy's football team for capturing the 2014 4A Group State Championship played in Lynchburg, Virginia on December 13. Head Coach Hank Sawyer, Assistant Coach Floyd, Dr. Reba Jacobs-Miller, Principal, Mr. Stephen Suttmilller, Norfolk Public Schools Athletics Coordinator, Dr. Miller, Accreditation for Norfolk Public Schools and students Donnell Eure and Vernon Moore, accepted the Resolution on behalf of the team.

LAKE TAYLOR HIGH SCHOOL BOY'S FOOTBALL TEAM

WHEREAS, under the leadership of Head Coach Hank Sawyer, the Lake Taylor Titans varsity football team clinched the 2014 Group 4A State Championship on December 13 by defeating the Salem Spartans 41-16 in a dominating performance at Liberty University in Lynchburg; and

WHEREAS, this achievement marked the Titans second State football championship after winning its first in 2012; and

WHEREAS, the Lake Taylor Titans finished the 2014 season with a perfect 15-0 record highlighted by a crushing 42-14 defeat of the Dinwiddie Generals in the regional playoffs to avenge last year's loss, and an unforgettable 19-14 victory over the Monacan Chiefs in the Group 4A South Region final, won in the game's closing seconds, when a Lake Taylor field goal attempt was blocked and the ball alertly recovered by the kicker who ran into the end zone for a touchdown; and

WHEREAS, on the way to winning their well-deserved State championship, the Lake Taylor Titans represented the City of Norfolk ably and well throughout the 2014 season, earning the respect of their opponents and bringing recognition to themselves and to the City.

NOW, Therefore, Be It Resolved:

Section 1:- That the Council of the City of Norfolk hereby expresses great pride in congratulating the Lake Taylor Titans varsity football team on the occasion of winning the 2014 Group 4A State Football Championship.

Section 2:- That this resolution be recorded in the permanent proceedings of the City Council and that a copy be presented to Coach Sawyer, his staff and team.

ACTION: The Resolution as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** with **D'Art Center**, for a portion of the **Selden Arcade**, a property in the City of Norfolk.

Thereupon, an Ordinance entitled, "An Ordinance approving a **Lease Agreement** with **D'Art Center**, for a portion of the **Selden Arcade**, a property in the City of Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 13, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** between the City of Norfolk and **Access College Foundation** for the lease of that certain property owned by the City of Norfolk and described as **7300 Newport Avenue, Suite 500**.

Thereupon, an Ordinance entitled, "An Ordinance approving a **Lease Agreement** between the **City of Norfolk**, as **Lessor**, and **Access College Foundation**, as **Lessee**, for the lease of certain property owned by the City of Norfolk described as **7300 Newport Avenue, Suite 500, Norfolk, Virginia**, and authorizing the City Manager to execute the **Lease Agreement** on behalf of the City of Norfolk," was introduced in writing and read by its title.

Alton Robinson, 735 West 35th Street spoke concerning this matter.

ACTION: The Ordinance as introduced was **adopted**, effective March 13, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving an amendment to **Exhibit A** of the **Master Development Agreement** entered into with **Professional Hospitality Resources, Inc.**, and the **Norfolk Redevelopment and Housing Authority**, **SO AS TO** correct the legal description of the project site and authorizing the conveyance of a parcel of real property to **NRHA**, as required by the amended **Exhibit A**.

Thereupon, an Ordinance entitled, “An Ordinance approving an amendment to **Exhibit A** of the **Master Development Agreement**, (**“MDA”**) entered into with Professional Hospitality Resources, Inc. (**“PHR”**) and the **Norfolk Redevelopment and Housing Authority** (**“NRHA”**), **SO AS TO** correct the legal description of the project site, and authorizing the conveyance of a parcel of real estate to **NRHA**, as required by the amended **Exhibit A**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 13, 2015.

Yes: Protogyrou, Riddick, Whibley, Williams and Fraim.

No: Smigiel.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Car Wash** known as ‘**Riptide Car Wash**’ on property located at **2214 East Little Creek Road**,” was introduced in writing and read by its title.

Mark Russell, 1667 Thomas A Betts Parkway, Rocky Mt., NC, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as '**Residence Inn Norfolk**' on property located at **227 West Brambleton Avenue**," was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, #407, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as '**Paint Gallery**' on property located at **4408 Colley Avenue**," was introduced in writing and read by its title.

Kim Keene, 1024 Jamestown Crescent, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as '**Courtyard Downtown Norfolk**' on property located at **520 East Plume Street**," was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, #407, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to operate an **Automobile Sales and Service** establishment named '**Import Cycle Center**' on property located at **5328 East Virginia Beach Boulevard**," was introduced in writing and read by its title.

Jake Kahle, 5328 East Virginia Beach Boulevard, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a **Commercial Drive-Through** for '**Taco Bell**' on property located at **649 North Newtown Road**," was introduced in writing and read by its title.

Ford Mason, 6612 Stoney Point North and Bret Underwood, 999 Waterside Drive # 2525, were present to answer questions

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City as Administrative and Fiscal Agent for the **Norfolk Transitional Grant Area (TGA) Under Title I of the Ryan White Comprehensive Aids Resources Emergency (CARE) Act** to accept **Part A** grant funds in the amount of \$7,000,204.00 from the **U.S. Department of Health and Human Services** for **HIV/AIDS** health and support services and appropriating and authorizing expenditure of the grant funds," was introduced in writing and read by its title.

Christine Carroll, Program Manager, Ryan White Title 1, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-8 Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the acceptance of up to \$20,000 in grant funds from the **Commonwealth of Virginia Department of Social Services** and **United Methodist Family Services**, appropriating the funds and authorizing the expenditure of the funds for an **Adoption Incentive Program**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-9 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the conveyance to the **City of Norfolk** by **Norfolk Redevelopment and Housing Authority** certain parcels of property that are currently part of the **Midtown Industrial Conservation Project** and the **Central Brambleton Conservation Project**, and authorizing the City Manager to accept the **Deed** on behalf of the City," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-10 Letter from the City Manager and a Resolution entitled, "A Resolution approving the formation of legal entities by the **Norfolk Redevelopment and Housing Authority** to facilitate the revitalization of the **Grandy Village Community**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, "An Ordinance to repeal one **Subsection** of **Sections 25-651** and **653**, and to amend and reordain **Sections 25-649, 651, 652 and 654** of the **Norfolk City Code, 1979, SO AS TO** add two new right turn on red prohibitions, four new u-turn prohibitions, two new one-way streets, and nine new stop intersections," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-12

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **Portfolio Recovery Associates, L.L.C.**, in the amount of \$73,479.50 plus interest based upon the overpayment of its business license tax for tax years 2011 through 2013," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-13

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **PRA Receivables Management, LLC** in the amount of \$181,244.95, plus interest, based upon the overpayment of its business license tax for the tax years 2011 through 2013," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

NEW BUSINESS

1. John Luker, 1432 Cedar Lane, spoke to Council about how it is not safe to walk or cross at 49th and Quarantine Streets, stating that some type of traffic signal or a cross walk needs to be installed. He also noted his support for efforts to mitigate coal dust emanating from the Lambert's Point Coal Terminal.
2. The following persons spoke regarding coal dust from the Lambert's Point Coal Terminal noting concerns over its effects on health and the environment and requesting Council adopt a Resolution to reduce coal dust in Norfolk neighborhoods coming from Norfolk Southern's coal terminal operation.
 - Joe Cook, 1147 Surrey Crescent. Mr. Cook submitted a petition requesting the Resolution and signed by approximately 375 citizens.
 - Gary Medlin, 1028 Hillview Boulevard, Virginia Beach, VA.
 - Dave Potvin, 1226 East Ocean View Avenue.
 - Georgette Constant, 1342 Westover Avenue
 - Ray Gregory, 1342 Westover Avenue.
 - Marjorie Parker, 2061 Lyndora Road.
 - David Ferraro, 5810 Upper Brandon Place.
 - Donna Digati, 5810 Upper Brandon Place.
 - Connie Hannah, 7467 Hampton Boulevard.
3. The following persons express their concerns about the recent decision that was made by Council on the election of school board members.
 - Andria McClellan, 531 Warren Crescent.
 - Thomas Calhoun, 5443 Welaka Road.
 - Danny Lee Ginn, 3845 Dare Circle.
4. Alton Robinson, 735 West 35th Street, spoke to Council about parolees being released after serving 20 years in prison, asking what resources are available for them, election of the school board members and coal dust.